

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY, APRIL 5, 1995**

Members

Present: Patrick J. Gilmartin, Chairman
Robert Buford
Peter Lilienfield, Secretary

Members

Absent: William Bush
Joseph Elliot

Also Present: Kevin J. Plunkett, Village Counsel
Ralph Mastromonaco & Bruce Donohue,
Consultants
to the Planning Board
Brenda Livingston, Ad Hoc Planning Board
Member
Florence Costello, Recording Secretary
Joseph S. Jacoby, J&L Reporting Service,
for
Westwood Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 90-20 - John & Miriam Dedyo
Sht. 13B, Bl. 6, Lot P9B,25A,68A
94-03 - Westwood Development Associates

Inc.

Sht. 10,11, Lot 25,25K,P25J2
94-14 - Holy Spirit Association for the
Unification

of World Christianity

Sht. 10, P-3

94-15 - James Dinan

Sht. 10, P-76

95-04 SAB Corporation

Sht. 7B, Bl. 249, Lot 6,6A2

95-05 - R.R. Irvington Associates

Lot(s) #56 & 64

95-06 - John & Patricia Armstrong

Sht. 7A, Bl. 232, Lot 28,29

95-07 - Andrew Sokol

Sht. 10D, Bl. 241, Lot 4,5,6,7

The Chairman called the meeting to order at 8:00 p.m.

IPB Matter #95-06:

Patricia Armstrong for

Application of John &

Site Development Plan Approval

for property

at 14 Willow Street.

Mr. Armstrong appeared personally for the application. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. Proposed development consists of a 12 1/2 ft. x 16 ft. two story addition to the rear of the existing residence. Increase will be a total of approximately 425 square feet on a total of two floors and a total of approximately 3,400 cubic feet.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

Mr. Buford raised the issue of the proposed stairs into the basement, which extend into the rear yard setback. The Board considered this to be an issue for the Building Inspector, which in turn may lead to the applicant having to appear before the Village's Zoning Board of Appeals.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that

the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #95-07:
for Site

Application of Andrew Sokol
Development Plan Approval for
property
at 2 Greyrock Terrace.

Mr. Andrew Sokol appeared personally for the application. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed Site Development Plan involves the rebuilding of the existing detached two-car garage so that it will connect to the main premises, and will now contain a second story exercise room/den. The first floor will then encompass a three-car garage. Increase will be a total of approximately 1,050 square feet on a total of two floors and a total of approximately 7,000 cubic feet.

The Chairman read a letter from Mr. Paul Weiss who resides at 1 Riverview Terrace regarding the impact of the proposed construction on the existing trees on the property. This would require the removal of several mature trees located between the house and the garage, and might have an impact on the large oak tree located to the north of the garage.

The applicant indicated that the oak was of particular concern, and that every effort would be undertaken not to cause any impact. The Chairman also noted that the existing garage was within the rear yard setback, but that this had been permitted by a Zoning Board of Appeals variance (Case #133, dated March 24, 1969) that had previously been issued. The proposed construction linking the existing structures, as well as the extension of the garage, would also occur within this setback. With the Board's concurrence, the Chairman recommended that the application be carried over until action had been taken by the ZBA. He also indicated the need to discuss the proposal with the Village's Tree Commission.

IPB Matter #94-15:
for Subdivision

Application of James Dinan

**Approval for property at 10 North
Broadway.**

Mr. Stephen McCabe, Village Administrator appeared for the Applicant. This is an application for preliminary layout approval, to facilitate the construction of an Affordable Housing project on the rear lot. This is shown on the map entitled "Subdivision Map", revised February 14, 1995; the Chairman noted that the plan should instead be labeled "Preliminary Layout". The Chairman also noted that the revisions included the location of the utility lines serving the rear lot, which will be within the proposed easement being granted over the front lot. It was also noted that the Village Counsel is in the process of looking at the wording of the proposed easement. The Board determined this to be a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then granted approval of the preliminary layout of the proposed subdivision. A detailed resolution granting such approval is annexed to these minutes and made a part hereof.

The Board authorized the signing of 4 copies of plan by both the Chairman and the Secretary, to be distributed per Code to the Village Clerk, the Board's Files, the Applicant and the Library. The Board also set a Public Hearing on Final Subdivision Approval for its May 10th meeting.

IPB Matter #90-20:
Dedyo for

Application of John & Miriam

Informal Discussion for property
at
Park Road.

Mr. Dedyo appeared personally, seeking clarification on several issues with regard to the period of time that exists within which action must take place once various approvals are granted. The Chairman indicated that the Applicant should send a letter to the Village Counsel seeking his views on the matter.

IPB Matter #95-04:
Corporation for Site

Application of SAB

Development Plan Approval for Lot
#2, at
60 West Clinton Avenue.

Mr. Andrew Saines, President, SAB Corporation, Mark Mustacato, Architect, and Anthony Acacella, Landscape Architect, appeared for the application. Applicant provided an Affidavit of Publication and evidence of mailing of the Notice to Affected Property Owners for a Public Hearing for Site Development Plan Approval.

The Chairman opened the Public Hearing, with reference to the Proposed Residence for SAB Development Corporation, West Clinton Avenue (Lot 6 and 6A2) Site Plan, Sheet 1, dated March 1, 1995, Site Plan, Sheet 2, dated February 15, 1995 and Topo and Tree Survey, revised March 9, 1995. He read a letter from Barbara Denyer (dated March 29, 1995) seeking clarification regarding further development on the site and the location of the proposed house relative to the house under construction on Lot 1 and her own property to the east. Mr. Mastromonaco raised several issues in his memo dated March 1, 1995, including the timing of the road construction relative to the issuance of the building permit. The applicant indicated that the road would be completed prior to the commencement of construction on Lot 2. Additional discussions centered on the means of access for construction vehicles so as to protect the beech tree on the front parcel, the placement of utilities, the abandonment of the easement currently being used for the circular drive on the front lot and

its repair to a natural state, and the location of the proposed residence relative to the existing trees.

The Board then closed the public hearing, and on motion duly made and seconded, unanimously granted Final Site Plan Approval for the above mentioned drawing.

IPB Matter #95-05: **Application of R.R.**
Irvington Associates for **Site Development Plan Approval**
for Lot #56 **and Lot #64, Irvington Manor**
Subdivision.

James Ryan, R.L.A., of John Meyer Consulting, David S. Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., and Barry E. Milowitz, Architect,, appeared for the applicant. Applicant paid a \$500.00 application for an Application for Site Development Plan Approval and submitted affidavits of mailing and publication. The Chairman opened the public hearing regarding Lots 56 and 64. Mr. Lilienfield recused himself from all actions regarding this proposal.

Lot #64

Reference was made to plans provided to the Board, noted as SDP-64 dated March 3, 1995. The Board inspected this lot as part of its last tour of the property. The applicant indicated that a modification had been made to the plans with regard to the relocation of the proposed house to reduce the disturbance area to the rear of the lot. This resulted in the house being brought forward roughly 35 feet. While the concept was considered feasible during the Board's lot inspection, the revised plans indicated that a large area to the rear of the site would still be disturbed due to the proposed grading. Discussions centered on alternatives, including terracing, to minimize the disturbance area and to preserve the existing foliage. The applicant agreed to re-examine the siting and grading, with the Public Hearing carried over to the May meeting.

Lot #56

Reference was made to plans provided to the Board, noted as SDP-56 dated March 3, 1995. The Board inspected

this lot as part of its last tour of the property. This lot is located off of Easement B, and is the first Manor Pond lot to be presented to the Board. The Minutes from the March 9th Environmental Conservation Board were read, with comments regarding the storm drainage system and potential impact on Manor Pond. Mr. Ryan indicated that the outflow to Manor Pond was located below the Pond's water level, eliminating any potential scouring of the land. In addition, he indicated that there had been no changes in the drainage calculations previously submitted to the Board. The Chairman asked for clarification regarding any fencing to be located around the pond, to which Milowitz stated that this would be up to the owners of the Manor Pond lots. Mr. Steinmetz indicated that the Homeowner's Association that will be made up of the owners has been filed, and that the Corporation exists; it will come into being upon the sale of the first lot. There were no comments from the Public.

On motion duly made, seconded and unanimously approved, the Board determined that the Application was for a Type II action under SEQRA. The Public Hearing was closed. On motion duly made, seconded and unanimously adopted the Board then granted final Site Development Plan approval subject to the confirmation by the Village Engineering Consultant that the engineering details are acceptable, and to approval by the ARB.

Change of Phasing

The Chairman also acknowledged receipt from the applicant of a Letter of Credit issued by River Bank America for RR Irvington Associates, date of issue March 1, 1995, Letter of Credit No. 2027, drawn in the amount of \$197,500.00, representing 10% of a total \$1,975,000.00 total bond amount, with an expiration date of February 28, 1996. He also acknowledged receipt from the Applicant of a Letter of Credit issued by River Bank America for RR Irvington Associates, date of issue March 1, 1995, Letter of Credit No. 2026, drawn in the amount of \$1,777,500.00, representing 90% of a total \$1,975,000.00 total bond amount, with an expiration date of February 28, 1996. The Applicant is seeking modification from the previously approved 9 component Phasing Plan to a 2 component Phasing Plan. This will result in all of the remaining infrastructure being installed. The Chairman asked for review of the submitted documents by Mr. Plunkett, the Village Attorney, with Board action being deferred.

The Chairman next raised an issue with regard to the Emergency Access road as it enters the subdivision from Halsey Pond. The amount of disturbance appeared to be more than originally anticipated, which was partially attributed to field conditions. The applicant indicated that efforts to minimize siltation in the pond resulted in additional gravel being added. Upon completion of the Consolidated Edison work, the gravel will be removed, top soil added, and the area reseeded.

The Chairman informed the Board that Mr. Reynold Gheduzzi had sent a letter questioning whether proposed improvements on the portion of the emergency access road between Halsey Pond and Palliser Road were in accordance with the terms of the easement over such property in favor of the Village; this is currently being reviewed by Mr. Plunkett and Mr. Steinmetz.

IPB Matter #94-03:
Development

Approval
property at
Mountain

Application of Westwood
Associates for Limited Site Plan
and Subdivision Approval for
Broadway, Riverview Road, and
Road.

A complete transcript of the proceedings relating to this matter was prepared and is incorporated herein by reference. Discussions centered on revised plans submitted by the Applicant, which were the subject of a site walk by the Board. In addition, the Applicant indicated that there had been discussions with the School Board with regard to a referendum allowing the use of School property to connect Link Road (in Fieldpoint) with the Applicant's property. The Applicant indicated that the School Board would like comment from the Planning Board prior to their taking any action on access. The Chairman indicated that drainage might also be an issue that the School Board will need to address. Discussion also centered on a joint meeting between the Planning and School Boards.

A meeting among the environmental consultants for the applicant, the Environmental Conservation Board and

the Planning Board was recommended. A comment was also made that following determination of the means of access for the subject, it might be prudent to recommend to the Village Board of Trustees that the Official Map be amended so as to remove paper streets which are no longer relevant.

The Chairman asked that the Applicant provide site capacity documentation under current zoning for consideration at the May meeting, followed by a request for a waiver that addresses the magnitude and rationale for modified site capacity under the Remedial Legislation. This would examine each component of the subject, both as currently owned as well as per the proposed swap with the Village.

Discussion was also held with regard to holding a special meeting of the Board which would be dedicated to the scoping of the Draft Environmental Impact Statement. Mr. Sacardi indicated that he would prepare the necessary documents for Lead Agency determination and a Positive Declaration under SEQRA.

IPB Matter #94-14:
Association for the
for East

Application of Holy Spirit
Unification of World Christianity
Garden Subdivision.

The Applicant was represented by Norman Sheer, Esq., Michael R. Sterlacci, P.E., and Michael Ingles of the Holy Spirit Association. The Applicant submitted evidence of mailing and publication of a notice of public hearing at this meeting of the application for limited site development plan approval and preliminary plat approval. The Applicant submitted: Sheet 1, East Garden, prepared by Michael R. Sterlacci, dated May 3, 1994, revised September 12, 1994, Sheet 2, East Garden, dated May 3, 1994, revised March 15, 1995, Sheet 3, Preliminary Layout, East Garden, dated May 3, 1994, revised February 16, 1995, Sheet 4, Tree Location Plan, Revised March 15, 1995, Sheet 5, Utility Plan, Revised March 15, 1995, Sheet 6, Profile and Details, East Garden, Revised March 15, 1995, and Sheet 7, Erosion Control Plan, Revised January 15, 1995.

The Chairman opened the Public Hearing, at which time members of the Public indicated that the necessary notification had not been sent to all affected property owners. In need of this information, the Board decided to continue the Public Hearing at its May meeting, with the Applicant agreeing to reissue the notifications as required.

The Chairman read a letter from Don Casadone, Assistant Superintendent of Public Works, with regard to the water service for the property, in essence stating that the plans submitted by Applicant were acceptable. Mr. Mastromonaco provided several comments regarding the plans, including the need to show the Limits of Disturbance and the line of the FEMA Flood zone; Mr. Sheer indicated that the plans would be modified as requested. In addition, he indicated that he would prepare a draft resolution for submission to the Board at the May meeting.

The Board then considered the following administrative matters:

Minutes of the Planning Board held on February 1, 1995, previously distributed, were, on motion duly made and seconded, approved.

The next regular meeting of the Planning Board was scheduled for Wednesday, May 10, 1995.

There being no further business, the meeting was adjourned,

Respectfully submitted,

Peter Lilienfield,

Secretary